

Michael P. Kenny, Esq. (admitted *pro hac vice*)
mike.kenny@alston.com
Debra D. Bernstein, Esq. (admitted *pro hac vice*)
debra.bernstein@alston.com
Matthew D. Kent, Esq. (admitted *pro hac vice*)
matthew.kent@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Tel: (404) 881-7000
Facsimile: (404) 881-7777

James M. Wagstaffe, Esq. (SBN 95535)
wagstaffe@kerrwagstaffe.com

KERR & WAGSTAFFE LLP

100 Spear Street, 18th Floor
San Francisco, California 94105-1576
Tel: (415) 371-8500
Facsimile: (415) 371-0500

Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

This Document Relates to:

Dell Inc., et al. v. Hitachi Ltd. et al., No. 13-cv-02171;
Best Buy Co. v. Hitachi, Ltd., No. 11-cv-05513;
Best Buy Co. v. Technicolor SA, No. 13-cv-05264;
Costco Wholesale Corp. v. Hitachi, Ltd.,
No. 11-cv-06397;
Costco Wholesale Corporation v.
Technicolor SA, et al., No. 13-cv-05723;
Sears, Roebuck and Co. and Kmart Corp. v. Technicolor
SA, No. 3:13-cv-05262;
Sears, Roebuck and Co. and Kmart Corp. v. Chunghwa

Master File No. 3:07-cv-05944-SC

MDL No. 1917

**DECLARATION OF DEBRA D.
BERNSTEIN IN SUPPORT OF DAPS'
OBJECTION TO THE SPECIAL
MASTER'S REPORT AND
RECOMMENDATION RE
DEFENDANTS' MOTION TO
COMPEL DAPS' SETTLEMENT
AGREEMENTS**

DECLARATION OF DEBRA D. BERNSTEIN IN SUPPORT OF DAPS' OBJECTION TO THE SPECIAL MASTER'S
R&R RE DEFENDANTS' MOTION TO COMPEL DAPS' SETTLEMENT AGREEMENTS

MDL NO. 1917 | IND. CASE NO. 3:13-cv-02171-SC

1 *Picture Tubes, Ltd.*, No. 11-cv-05514-SC;
 2 *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502;
 3 *Siegel v. Technicolor SA*, No. 13-cv-05261;
 4 *ViewSonic Corporation v. Chunghwa Picture Tubes Ltd.*,
 5 No. 14-cv-2510;
 6 *Electrograph Systems, Inc., et al. v. Hitachi, Ltd., et al.*,
 7 No. 3:11-cv-01656-SC;
 8 *Electrograph Systems, Inc., et al. v. Technicolor SA, et*
 9 *al.*, No. 3:13-cv-05724-SC;
 10 *CompuCom Sys., Inc. v. Hitachi, Ltd., et al.*, No. 3:11-cv-
 11 06396-SC;
 12 *Interbond Corp. of Am. v. Hitachi, Ltd. et al.*, No. 3:11-
 13 cv-06276-SC;
 14 *Interbond Corp. of America v. Technicolor SA, et al.*, No.
 15 3:13-cv-05727-SC;
 16 *Office Depot, Inc. v. Hitachi, Ltd. et al.*, No. 3:11-cv-
 17 06276-SC;
 18 *Office Depot, Inc. v. Technicolor SA, et al.*, No. 3:13-cv-
 19 05726-SC;
 20 *P.C. Richard & Son Long Island Corp., et al. v. Hitachi,*
 21 *Ltd., et al.*, No. 3:12-cv-02648-SC;
 22 *P.C. Richard & Son Long Island Corp., et al. v.*
 23 *Technicolor SA, et al.*, No. 3:13-cv-05725-SC;
 24 *Schultze Agency Services, LLC on behalf of Tweeter*
 25 *Opco, LLC and Tweeter Newco, LLC v. Hitachi, Ltd., et*
 26 *al.*, No. 3:12-cv-2649-SC;
 27 *Schultze Agency Services, LLC on behalf of Tweeter*
 28 *Opco, LLC and Tweeter Newco, LLC v. Technicolor SA.,*
et al., No. 3:13-cv-05668-SC;
Tech Data Corporation; Tech Data Product
Management, Inc. v. AU Optronics Corp., et al., No. 13-
 cv-00157

I, **DEBRA D. BERNSTEIN**, declare as follows:

1 1. I am a partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.
2 and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending in the
3 U.S. District Court for the Northern District of California. I submit this declaration in support of
4 DAPs' Objection to the Special Master's Report and Recommendation Re Defendants' Motion to
5 Compel DAPs' Settlement Agreements. I have personal knowledge of the facts stated herein, and I
6 could and would competently testify thereto if called as a witness.

7 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
8 before the U.S. District Court for the Northern District of Georgia. I have also been admitted to this
9 Court *pro hac vice* as counsel for Dell pursuant to the Court's Pretrial Order No. 1 in the MDL
10 Proceeding.

11 3. Attached as Exhibit A is a September 8, 2014, email from Matthew Kent, my law
12 partner and also counsel of record for Dell in this action, to Special Master Judge Vaughn Walker (via
13 Jay Weil) advising the Special Master that the Dell Plaintiffs had reached an agreement in principle
14 with the Toshiba Defendants to settle the case between them.

15 4. Attached hereto as Exhibit B is a true and correct copy of a press release titled "The
16 US\$2.7 Billion Difference: Toshiba and White & Case Collaborate on Novel Strategy That Pays Off,"
17 dated 2012, and obtained from the following URL:

18 <http://annualreview2012.whitecase.com/toshiba.htm>;

19 5. Attached hereto as Exhibit C is a true and correct copy of Defendants' Motion to
20 Compel DAPs' Settlement Agreements;

21 6. Attached hereto as Exhibit D is a true and correct copy of DAPs' Opposition to
22 Defendants' Motion to Compel DAPs' Settlement Agreements;

23 7. Attached hereto as Exhibit E is a true and correct copy of Defendants' Reply Brief in
24 Support of Their Motion to Compel DAPs' Settlement Agreements;

25 8. Attached hereto as Exhibit F is a true and correct copy of the Special Master's Report
26 and Recommendation Re Defendants' Motion to Compel DAPs' Settlement Agreements.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 14, 2015, in Atlanta, Georgia.

By: /s/ Debra D. Bernstein

Debra D. Bernstein

debra.bernstein@alston.com

ALSTON & BIRD LLP

1201 West Peachtree Street

Atlanta, Georgia 30309-3424

Tel: (404) 881-7000

Facsimile: (404) 881-7777

Attorney for Plaintiffs Dell Inc. and Dell Products L.P.